

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHERRY LYNN MEANS,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, DEPARTMENT OF
PUBLIC HEALTH, et al.,

Defendants.

NO. C09-0941 TEH

ORDER SHORTENING TIME
ON MOTION TO WITHDRAW
AND VACATING TRIAL DATE

The Court is in receipt of the parties' October 8, 2010 stipulation to an order shortening time on Plaintiff's counsel's motion to withdraw. The motion to withdraw shall be heard by the Court on **Monday, October 25, 2010, at 10 a.m.**, and the parties are ORDERED to adhere to the following schedule:

1. Plaintiff's counsel shall personally serve a copy of this order on Plaintiff Sherry Lynn Means on or before **Tuesday, October 12, 2010**. If Ms. Means cannot be personally located, she shall be served by overnight mail to her post office address of Post Office Box 5335, South San Francisco, California 94083. In any event, Plaintiff's counsel shall file a proof of service with this Court no later than October 12. Plaintiff's counsel shall also telephone Ms. Means on or before October 12 to communicate the contents of this order.

2. Plaintiff's counsel may file a motion to withdraw as Ms. Means's attorney no later than **Tuesday, October 12, 2010**. The motion shall be personally served on all parties, including Ms. Means. Service on Ms. Means shall comply with all procedures and meet all deadlines described in Section 1 of this order.

3. If Ms. Means wishes to oppose Plaintiff's counsel's motion, she must personally appear before this Court, Courtroom 12 at 450 Golden Gate Avenue, San Francisco,

1 California, on **Monday, October 25, 2010, at 10 a.m.** Ms. Means is advised that she will
2 need a photo ID, such as a driver's license or passport, to enter the courthouse.

3 4. If Ms. Means does not oppose Plaintiff's counsel's motion, Ms. Means must
4 personally appear before this Court on **Monday, October 25, 2010, at 10 a.m.**, or make an
5 appearance through her new attorney.

6 **5. If neither Ms. Means nor her new counsel make an appearance on October 25,**
7 **the Court will have no alternative but to conclude that Ms. Means is no longer**
8 **interested in pursuing this matter and the Court will therefore dismiss this case with**
9 **prejudice.** The Court advises Ms. Means that "dismissal with prejudice" means that she will
10 not be able to recover on any of the claims raised in the complaint filed in this case. This is
11 true even if Ms. Means were to find a new attorney at a later date. Thus, if Ms. Means has
12 any interest in pursuing the claims raised in the complaint, she must personally appear on
13 October 25 if she has not found substitute counsel. The Court will be amenable to granting
14 Ms. Means a limited extension of time in which to find new counsel if Ms. Means can
15 demonstrate that she has been diligently searching for counsel or that she is now prepared to
16 do so.

17 5. If Defendants' counsel wish to oppose Plaintiff's counsel's motion, the opposition
18 shall be filed and personally served no later than **Tuesday, October 19, 2010.** Plaintiff's
19 counsel shall advise Ms. Means of the contents of Defendants' opposition (1) no later than 24
20 hours after being served, and (2) using the procedures described in Section 1 of this order.

21 6. Any reply must be filed and personally served on all parties, including Ms. Means,
22 no later than **Thursday, October 21, 2010.** Service on Ms. Means shall comply with all
23 procedures described in Section 1.

24 7. Prior to October 25, and until the Court enters a final order on Plaintiff's counsel's
25 motion to withdraw, Curtis G. Oler remains counsel of record for Ms. Means.

26 //

27 //

28 //

1 In light of the foregoing schedule, the trial date of November 2, 2010, is VACATED.

2
3
4 **IT IS SO ORDERED.**

5
6 Dated: 10/08/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT